

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Application of COUNCIL OF
SCHOOL SUPERVISORS; MARK CANNIZZARO, as
President of the Council of School Supervisors and
Administrators; ANDREA GNECCO; JESSICA
ROSINSKY; JOSELYN ESPINOZA; and PIERANNA
VACCARO,

Plaintiff,

-against-

**AFFIRMATION IN
SUPPORT OF
RESPONDENTS'
AFFIRMATION IN
OPPOSITION TO PETITION**

Index No. 155220/2022

BOARD OF EDUCATION OF THE CITY OF NEW
YORK and DAVID C. BANKS, as Chancellor of the City
School District of the City of New York,

Defendants.

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MALLORY O. SULLIVAN, an attorney duly admitted to practice law before the Courts
of the State of New York, affirms under penalty of perjury that:

1. I am the Deputy Director of the Office of Employee Relations at the New
York City Department of Education (“DOE”). I have served in this role since November 2014.
Prior to my appointment, I was an Agency Attorney with the DOE’s Office of the General
Counsel for approximately four years.

2. The statements in this affirmation are based upon personal knowledge and
upon information and belief, the sources being the files of this office and discussions with other
DOE employees, as well as information obtained from the Special Commissioner of
Investigation (“SCI”), including the accompanying Affirmation of Gerald P. Conroy dated June
22, 2022.

3. In March 2022, SCI contacted DOE’s Division of Instructional and
Information Technology (“DIIT”) about any proof of vaccination submitted by DOE employees
related to an investigation of a fraudulent vaccination operation. DIIT provided such information
and DOE’s Division of Human Resources (“DHR”) provided information as to the employee
status of those who submitted the subject proof of vaccination information.


4. In April 2022, DHR representatives spoke to Gerald Conroy of SCI to clarify the COVID-19 vaccination requirements applicable to DOE employees.

5. Later in April 2022, SCI informed DHR of a list of DOE employees implicated in the fraudulent vaccination operation investigation, for whom SCI had determined that there was a high probability that they had not in fact received required vaccinations, contrary to the information the employees had submitted to DOE. SCI said they were informing DOE due to public health concerns and the vaccination requirements applicable to DOE employees, indicating they would provide the list to DOE shortly. SCI also discussed what information could be made available so as to not compromise the ongoing investigation. SCI provided such list to DOE two days later.

6. Between April 11 and 12, 2022, several DOE offices, including DHR and DOE Legal, as well as Deputy Chancellors' designees, reviewed the list and discussed next steps.

7. On April 19, 2022, the employees on such list were notified that they were being placed on leave without pay effective April 25, 2022 since DOE had received information that the proof of vaccination they had uploaded was fraudulent and DOE thus had reason to believe that they had not complied with a condition of employment, namely, the New York City Health Commissioner's Order requiring vaccination. Among the employees who received that notification were Petitioners Andrea Gnecco, Jessica Rosinsky, Joselyn Espinoza, and Pieranna Vaccaro.

Dated: June 22, 2022


Mallory O. Sullivan